

UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA

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CIVIL MINUTES - GENERAL

Case No.	CV A02-1517 URC	Date	November 4, 2010
Title	United States v. Jose Cortez		

Present: The Honorable	Audrey B. Collins, Chief United States District Judge
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Angela Bridges

Not Present

N/A

Deputy Clerk

Court Reporter / Recorder

Tape No.

Attorneys Present for Plaintiffs:

Attorneys Present for Defendants:

None

None

Proceedings: Order Re: Motion to Set Aside Default Judgment and Dismiss Complaint;
ORDER TO SHOW CAUSE re Dismissal (In Chambers)

On October 18, 2010, Defendant Jose Cortez filed a motion to set aside default judgment in this case, set for hearing on Monday, November 15, 2010 at 10:00 a.m. Plaintiff United States' opposition was due no later than Monday, November 1, 2010, but none was filed. Local Rule 7-9. The Court is satisfied that the Judgment, entered on June 5, 2002, is void for lack of personal jurisdiction based on defective service of the complaint and must be vacated pursuant to Federal Rule of Civil Procedure 60(b)(4). See S.E.C. v. Internet Solutions for Business, Inc., 509 F.3d 1161, 1165 (9th Cir. 2007). Therefore, the Court VACATES the November 15, 2010 hearing and GRANTS Defendant's motion to set aside the default and default judgment.

Given that over eight years have passed since Plaintiff filed this case, the Court ORDERS Plaintiff United States to SHOW CAUSE **no later than Monday, December 6, 2010** why this case should not be dismissed without prejudice for failure to comply with Federal Rule of Civil Procedure 4(m). The failure to timely respond to this Order will result in dismissal of this action without prejudice.

IT IS SO ORDERED.

Initials of Preparer

AB

cc: George.S.Cardona@usdoj.gov